

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,987,579 issued to Palenik, III. It is respectfully submitted that the Examiner's rejection is in error. The teachings of the Palenik, III patent were generally discussed in the previous response. The pending Claims have been amended to recite that the dual axis clamps are each rotatable, slidable and lockable to two rods to form an articulated structure. It is respectfully submitted that the fact that the clamps are defined as lockable instead of securable clearly distinguishes the present invention over the Palenik, III patent. There are no lockable elements disclosed or suggested in the Palenik, III patent.

The Examiner's position is that "Palenik III discloses a universal fixture having a plurality of dual axis clamps (38) each are rotatably and slidably secured rods (fig. 3), and a base (130. Palenik III discloses enough parts to anticipates all claim pluralities." It is again respectfully submitted that the present invention is not disclosed or suggested by the Palenik, III patent, and that the Examiner's position is in error.

Claim 1 calls for a universal holding fixture for holding an object that comprises "a plurality of dual axis clamps that are each rotatable, slidable and lockable to two rods to form an articulated structure, which rods and clamps are rotatable, slidable and lockable relative to each other to position the rods at varying and arbitrary angles relative to each other, and wherein selected rods are suitably positioned and secured to hold the object". [Emphasis added]

The Palenik, III patent does not disclose "dual axis clamps". The Palenik, III patent discloses that "building blocks 15 comprise a plurality each of basic three-dimensional forms, such as, cubes 32, rhombic parallelepipeds 34, rectangular parallelepipeds 36 and 38, and triangular prisms 40." There are no clamping devices disclosed or suggested in the Palenik, III patent. The components (38) referred to by the Examiner are parallelepipeds 38, which are blocks that have holes 44 therein.

The structures formed in accordance with the teachings of the Palenik, III patent do not clamp anything, nor are the blocks used in the Palenik, III amusement device clamps, or dual axis clamps. A clamp is defined by Webster's New International Dictionary, Second Edition, as a "device that holds fast, binds things together of wedges adjacent parts against other members of a unit; as a carpenter's clamp operated by a screw movement; the lugs and bolts by which a mechanism is made fast to a frame, etc."

It is respectfully submitted that the Palenik, III patent does not disclose or suggest that the structures discussed therein are clamps or that they are used to clamp anything. The terms "clamp" and "dual axis clamp" are not used in the Palenik, III patent. It is respectfully submitted that the Examiner's position is clearly not supported by the teachings of the Palenik, III patent.

Furthermore, the blocks disclosed in the Palenik, III patent are not lockable as are the clamps in the present invention. Note that the blocks are free to slide along the axis of the rods and only stay in place because of the fact that the bores of the holes in the blocks are about the same diameter as the rods so that there is a tight fit therebetween.

In the present invention, the "rods and clamps are rotatable and slidable relative to each other to position the rods at varying and arbitrary angles relative to each other". This is clearly not the case with the Palenik, III device. The rods of the Palenik, III device have fixed angular relationships; they are oriented at right angles, are collinear, or are perpendicular to the surfaces of the triangular blocks, as is shown in Fig. 4. The holes in the blocks and base of the Palenik, III device are also "spaced apart a distance of $1/2U$ or a whole number multiple of U , such as, $1U$, $2U$, etc., as indicated in FIG. 2". Thus, there are no arbitrary angles into which the Palenik, III rods and blocks may be positioned. The rods are either horizontal, vertical or at a fixed angle defined by the angle of an edge of a triangular block.

Furthermore, the Palenik, III patent does not disclose or suggest that any structure that is formed is intended to hold any object. While it appears to be possible to construct a structure using the base, blocks and rods that might somehow support an object, it is clear that this is not disclosed or suggested by the Palenik, III patent, nor would such a structure form "an articulated structure having dual axis clamps that may be positioned at arbitrary angles relative to each other and that hold an object, as is the case with the present invention.

In the "Response to Arguments" section, the Examiner stated that "Applicant argues that the rods of the prior art are not securable to blocks but that is not true." However, the Examiner's unsupported statement does not address where in the Palenik, III patent it is stated that the blocks are secured to the rods. While the blocks can slide along the rods, it is clear that they are not locked to the rods.

The Examiner stated that "There is no means to secure the blocks to rods but that is what the holes in the blocks do." However, it is respectfully submitted that the holes do not lock the blocks to keep them from sliding or rotating. The presently claimed dual axis clamps perform this function and this is not disclosed or suggested in the Palenik, III patent.

The Examiner stated that "If you have more than one angle then you have arbitrary angles." This statement is not understood and is clearly incorrect. An arbitrary angle is one that is continuously variable. This is clearly not the case with the components used in the Palenik, III structures.

The Examiner stated that "There would be dual axis structures formed on structures that accommodate multiple rods." While there are structures formed using the Palenik, III blocks and rods that have more than one axis, this is irrelevant to the present invention, which provides for a holding fixture having multiple dual axis clamps that slide along and around and lock to rods to hold an object.

In view of the above, it is respectfully submitted that the Palenik, III patent does not disclose or suggest the invention recited in Claim 1. Furthermore, it is respectfully submitted that the present invention is not derivable from the teachings of the Palenik, III patent without distorting or extending its teachings and using hindsight reconstruction in light of Applicant's own teachings.

Therefore, it is respectfully submitted that the invention recited in Claim 1 is not disclosed or suggested by the Palenik, III patent. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested:

Dependent Claims 2-11 are considered patentable based upon their dependence from allowable Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 2-11 are respectfully requested.

Independent Claims 11 and 17 are considered patentable for the same reasons argued with regard to Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 11 and 17 are respectfully requested.

Dependent Claims 12-16, 18 and 19 are considered patentable based upon their dependence from allowable Claims 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 12-16, 18 and 19 are respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

Attached hereto is a marked-up version of the changes made to claims by the present amendment. The attached page is captioned "Version with markings to show changes made."

In view of the above, it is respectfully submitted that all pending Claims are not anticipated by the cited patents, are therefore patentable, and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited. It is again respectfully submitted that the present response does not require further searching by the Examiner, and places this application in condition for allowance, or in any event, places it in better condition for consideration on appeal.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
Office Address: 2 Shire, Coto de Caza, CA 92679
Mailing Address: P. O. Box 80790, Rancho Santa Margarita, CA 92688
Telephone: (949) 459-5519
Facsimile: (949) 459-5520

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

The following Claims have been amended as indicated.

1. (Amended) A universal holding fixture for holding an object, comprising:
a plurality of dual axis clamps that are each rotatable, slidable and [securable] lockable
to two rods to form an articulated structure, which rods and clamps are rotatable, [an] slidable
and lockable relative to each other to position the rods at varying and arbitrary angles relative to
5 each other, and wherein selected rods are suitably positioned and secured to hold the object.

3. (Amended) The fixture recited in Claim 2 wherein a fixed rod is secured to the base
and the articulated structure comprises eight dual axis clamps that are rotatable, slidable and
[securable] lockable to six rods.

5. (Amended) The fixture recited in Claim 1 wherein the articulated structure
comprises eight dual axis clamps that are rotatable, slidable and [securable] lockable to six rods.

6. (Amended) The fixture recited in Claim 5 further comprising two additional rods
that are rotatable, slidable and [securable] lockable a selected one of the four rods by way of two
additional dual axis clamps.

7. (Amended) The fixture recited in Claim 1 wherein the articulated structure
comprises:

a plurality of first dual axis clamps that are each rotatable, slidable and [securable]
lockable to a fixed rod and that are each rotatable, slidable and [securable] lockable to a second
5 transverse rod;

a plurality of second dual axis clamps that are each rotatable, slidable and [securable]
lockable to a respective second rod and that are each rotatable, slidable and [securable] lockable
to a third rod that is disposed generally transverse to the respective second rod;

10 a plurality of third dual axis clamps that are each rotatable, slidable and [securable]
lockable to a respective third rod and that are each rotatable, slidable and [securable] lockable to
a fourth rod that is disposed generally transverse to the respective third rod; and

a plurality of fourth dual axis clamps that are each rotatable, slidable and [securable]
lockable to a respective fourth rod and that are each rotatable, slidable and [securable] lockable
to a fifth rod.

• 8. (Amended) The fixture recited in Claim 7 further comprising a plurality of fifth dual axis clamps that are each rotatable, slidable and [securable] lockable to the fifth rod and that are each rotatable, slidable and [securable] lockable to a sixth rod.

9. (Amended) The fixture recited in Claim 1 wherein a plurality of first dual axis clamps are securable to a base and wherein the fixture further comprises a plurality of fifth dual axis clamps that are each rotatable, slidable and [securable] lockable to the fifth rod and that are each rotatable, slidable and [securable] lockable to a sixth rod, and wherein the sixth rods
5 support the fifth rod at different positions above the base.

11. (Amended) A universal holding fixture for holding an object, comprising:
a base; and
an articulated structure secured to the base that comprises a plurality of dual axis clamps
that are each rotatable, slidable and [securable] lockable to at least one rod, which rod and
5 clamps are rotatable, [an] slidable and lockable relative to each other to position the rod at
varying and arbitrary angles, and wherein ends of selected ones of the rods are suitably
positioned and secured to hold the object.

12. (Amended) The fixture recited in Claim 11 wherein a fixed rod is secured to the base and the articulated structure comprises eight dual axis clamps that are rotatable, slidable and [securable] lockable to six rods.

13. (Amended) The fixture recited in Claim 12 further comprising two additional rods that are rotatable, slidable and [securable] lockable to a selected one of the six rods by way of two additional dual axis clamps.

14. (Amended) The fixture recited in Claim 11 wherein the articulated structure comprises:

a plurality of first dual axis clamps that are each rotatable, slidable and [securable] lockable to a fixed rod and that are each rotatable, slidable and [securable] lockable to a second
5 transverse rod;

a plurality of second dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective second rod and that are each rotatable, slidable and [securable] lockable to a third rod that is disposed generally transverse to the respective second rod;

a plurality of third dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective third rod and that are each rotatable, slidable and [securable] lockable to
10 a fourth rod that is disposed generally transverse to the respective third rod; and

a plurality of fourth dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective fourth rod and that are each rotatable, slidable and [securable] lockable to a fifth rod.

15. (Amended) The fixture recited in Claim 14 further comprising a plurality of fifth dual axis clamps that are each rotatable, slidable and [securable] lockable to the fifth rod and that are each rotatable, slidable and [securable] lockable to a sixth rod.

17. (Amended) A universal holding fixture for holding an object, comprising:
a base; and

an articulated structure rotatably secured to the base that comprises:

5 a plurality of first dual axis clamps that are each rotatable, slidable and [securable] lockable to a fixed rod and that are each rotatable, slidable and [securable] lockable to a second transverse rod;

a plurality of second dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective second rod and that are each rotatable, slidable and [securable] lockable to a third rod that is disposed generally transverse to the respective second rod;

10 a plurality of third dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective third rod and that are each rotatable, slidable and [securable] lockable to a fourth rod that is disposed generally transverse to the respective third rod; and

15 a plurality of fourth dual axis clamps that are each rotatable, slidable and [securable] lockable to a respective fourth rod and that are each rotatable, slidable and [securable] lockable to a fifth rod.

18. (Amended) The fixture recited in Claim 17 further comprising a plurality of fifth dual axis clamps that are each rotatable, slidable and [securable] lockable to the fifth rod and that are each rotatable, slidable and [securable] lockable to a sixth rod.